IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 5TH SEPTEMBER 2007 / 14TH BHADRA 1929

Crl.MC.No. 5454 of 2003()

MC.26/2003 of Sub Divisional Magistrate, Devikulam

.....

PETITIONER: COUNTER PETITIONERS 1 TO 3 AND 5

---

1. CHANDRA MOHAN S/O. BALAKRISHNAN NAIR,
   MOHAN VILLA, NEDUNGOTTOOR KARA, SHORNOOR VILLAGE.

2. NEYYUNNI S/O. KRISHNAN,
   MAMBATTIKUNNATHU HOUSE, NEDUMGOTTOOR KARA,
   SHORNUR VILLAGE.

3. BAIJU S/O. BALAN, MATHOOR HOUSE,
   MANIKAD KARA, SHORNOOR VILLAGE.

4. SANTHANAKRISHNAN S/O. SUBRAMANYAN,
   HARITHANIVAS, KODUKKATTUPARAMBIL HOUSE,
   SHORNUR, SHORNOOR VILLAGE.

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENTS: STATE AND PETITIONERS

---

1. STATE OF KERALA, REPRESENTED BY
   DIRECTOR OF PUBLIC PROSECUTIONS, HIGH COURT
   OF KERALA, ERNAKULAM, COCHIN-31.

2. SUB INSPECTOR OF POLICE, ADIMALI,
   IDUKKI DISTRICT.

BY PUBLIC PROSECUTOR, SRI AMJAD ALI

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 05/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J.

~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~

Crl.M.C.No.5454 of 2003-B

~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~

Dated this the 5th day of September, 2007

O R D E R

The petitioners, four in number, have sought for getting quashed the proceedings initiated under Section 109 Cr.P.C, as per Annexure-A4 order issued by the Sub Divisional Magistrate, Devikulam, under Section 111 Cr.P.C. It is alleged that the petitioners were found in Adimali-Kallarkutty road near the Forest Office, Mankulam, on 25/07/2002, at 3.45 p.m with an intention to commit offences like theft, house breaking or similar criminal acts and that they failed to answer to the questions of the police satisfactorily. They were directed to show cause why they should not be ordered to execute bond for Rs.10,000/- with two solvent sureties each for a sum of Rs.10,000/- for keeping peace for one year.

2. It is submitted that the petitioners were on their way to Munnar for sight seeing and they had just parked the car on the road side. It is stated that the petitioners are law abiding citizens and that they belonged to Shornur and that there are no criminal antecedents. It is also pointed out that although the alleged incident is dated 25/07/2002, Annexure-

A4 notice has been issued on 18/09/2003, i.e., after one year. It is also pointed out that the petitioners were arrested and kept in detention till their relatives could arrive and bail them out. There is no case that the petitioners were involved in any other illegal activities. It is after one year of the alleged date of detention that Annexure-A4 notice is issued. In the circumstances, I find that it appears that there is no sufficient ground to proceed against the petitioners under Section 109 Cr.P.C.

In the circumstances, the proceedings initiated as per Annexure-A4 M.C.No.26/2003 in the court of Sub Divisional Magistrate, Devikulam, is herewith quashed.

K.R.UDAYABHANU,
Judge

ms